

FILED 24 FEB 16 AM0810 MDC/CL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
Columbus DIVISIONQUESTIONNAIRE FOR THE PRISONERS PROCEEDING
PRO SE UNDER 42 U.S.C. § 1983McKissic Carlton

(GIVE FULL NAME AND PRISON NUMBER OF PLAINTIFF)

Plaintiff

VS.

Corporal Sherry Ziegler, Corporal
Valerie Holder, R.T. Boren (Chief)
Wesley Lambertus, Sgt. Craig
Haggas, Teresa Hudgens,

(NAME OF EACH DEFENDANT)

CIVIL ACTION NO:

Defendant(s)

William C. Rimer, Amy Bradley

I. GENERAL INFORMATION

1. Your full name and prison number McKissic Carlton
2. Name and location of prison where you are now confined Valdosta State Prison, Valdosta Georgia
3. Sentence you are now serving (how long?) Life without, plus, 20 yrs, 20 yrs (L), & 20 yrs (C/S)
 - (a) What were you convicted of? 3^x Child molestation, 3^x Furnishing Alcohol
Aggravated Child molestation, 1^x Aggravated Sodomy
 - (b) Name and location of court which imposed sentence Muscogee County
Superior Court
 - (c) When was sentence imposed? March 2014
 - (d) Did you appeal your sentence and/or conviction? Yes No
 - (e) What was the result of your appeal? Denied

(f) Approximate date your sentence will be completed March 27th 2014**II. PREVIOUS LAWSUITS**

NOTE: FAILURE TO DISCLOSE ALL PRIOR CIVIL CASES MAY RESULT IN THE DISMISSAL OF THIS CASE. IF YOU ARE UNSURE OF ANY PRIOR CASES YOU HAVE FILED, THAT FACT MUST BE DISCLOSED AS WELL.

4. Other than an appeal of your conviction or sentence, and other than any habeas action, have you filed a lawsuit dealing with the same or similar facts or issues that are involved in this action?

Yes No

5. If your answer to question 4 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit INVOLVING SAME FACTS:

Plaintiff(s): N/ADefendant(s): N/A

(b) Name of Court: N/A

(c) Docket Number: N/A When did you file this lawsuit? N/A

(d) Name of judge assigned to case: N/A

(e) Is this case still pending? Yes No

(f) If your answer to (e) is "No", when was it disposed of and what were the results?

(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

UNKNOWN AT THIS TIME

6. Other than an appeal of your conviction or sentence, and other than any habeas action, have you ever filed any lawsuit while incarcerated or detained? Yes No

7. If your answer to question 6 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit:

Plaintiff(s): Mckissic CarltonDefendant(s): Warden Jacob Beasley

(b) Name of Court: U.S. Middle District of Valdosta Division

(c) Docket Number: N/A When did you file this lawsuit? Aug. 2022

(d) Name of judge assigned to case: _____

(e) Is this case still pending? Yes No

(f) If your answer to (e) is "No", when was it disposed of and what were the results?
(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

8. AS TO ANY LAWSUIT FILED IN ANY FEDERAL COURT in which you were permitted to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes No

If your answer is Yes, state the name of the court and docket number as to each case:

United States Middle District Court
of Valdosta Division

III. PLACE OF INCIDENT COMPLAINED ABOUT

9. Where did the matters you complain about in this lawsuit take place? In The
Superior Court of Muscogee County "Columbus, Georgia"

(a) Does this institution have a grievance procedure? Yes No

(b) If your answer to question 9(a) is "Yes", answer the following:

(1) Did you present your complaint(s) herein to the institution as a grievance?

Yes No

(2) If Yes, what was the result?

N/A

(3) If No, explain why not: There's no grievance forms at
this camp / Valdosta State Prison to file such, no do
plaintiff have an attorney OR an advisor to
explain;

(c) What, if anything else, did you do or attempt to do to bring your complaint(s) to the attention of prison officials? Give dates and places and the names of persons talked to.

N/A

(d) Did you appeal any denial of your grievance to the highest level possible in the prison system? Yes No

(1) If Yes, to whom did you appeal and what was the result? _____

N/A

(2) If No, explain why you did not appeal: *An grievance procedure and Form has been denied by the Failure to have adequate appropriate legal system, Forms, Etc*

10. In what other institutions have been confined? Give dates of entry and exit.

*Muscogee County Jail,
Roger State Prison
Valdosta State Prison*

IV. PARTIES TO THIS LAWSUIT

11. List your CURRENT place of incarceration/mailing address.

Valdosta State Prison, P.O. Box 5368, Valdosta, Georgia, 31643

12. List the full name, the official position, and the place of employment of each defendant in this lawsuit. (ATTACH ADDITIONAL PAGES IF NECESSARY)

Please see enclosed attachments

V. STATEMENT OF CLAIM

13. In the space hereafter provided, and on separate sheets of paper if necessary, set forth your claims and contentions against the defendant(s) you have named herein. Tell the court WHAT you contend happened to you, WHEN the incident(s) you complain about occurred, WHERE the incident(s) took place, HOW your constitutional rights were violated, and WHO violated them? Describe how each defendant was involved, including the names of other persons who were also involved. If you have more than one claim, number and set forth each claim SEPARATELY.

DO NOT GIVE ANY LEGAL ARGUMENT OR CIT ANY CASES OR STATUTES AT THIS TIME; if such is needed at a later time, the court will advise you of this and will afford you sufficient time to make such arguments. KEEP IN MIND THAT RULES 8 OF THE FEDERAL RULES OF CIVIL PROCEDURE REQUIRES THAT PLEADINGS BE SIMPLE, CONCISE, and DIRECT! If the court needs additional information from you, you will be notified.

WHERE did the incident you are complaining about occur? That is, at what institution or institutions? Colombus Georgia Police Department, Superior Court and County Jail

WHEN do you allege this incident took place? March 22, 2012

WHAT happened? False arrest / False imprisonment took place of
False allegation, that did not have any procedure Warrant application
Hearing for my arrest, violating my Freedom, Liberty, Imm., Due
Process rights, deliberate indifference, Emotional distress Emotional
Pain, and suffering, Emotion abandonment, deprivation of life,
Emotionally injured of irreparable injuries, Serious physical injury,
Slander of character, Defamation of character" The alleged
incident happened on the 19, of March 2012 and I was illegally
arrested on the 22 day of March, without a warrant and for the
Alleged charges I've been numerously beaten at the County jail
Let the record reflect such physical injuries to my eye and
Pain medication, through this incarceration I've been stabbed
in the back almost lost my life yet I am labeled legally
disabled for the rest of my life for spinal injuries

14. List the name and address of every person you believe was a WITNESS to the incident(s) you complain about, BRIEFLY stating what you believe each person knows from having seen or heard what happened. (USE ADDITIONAL SHEETS, IF NECESSARY)

Public Defender, Robert L. Wadkins, ADA [REDACTED] Wesley Lambertus, Judge William C. Rimer
Corporal, Sherry Ziegler, Valerie Holder Detective, Sergeant Craig Haggas
Randy Alston (P.D.) Teresa Hudgenes (P.D.) Attorney David Walter,
ADA, Fred Lewis, Amy Briley, Officer, Maxwell Todd, Asst. Chief C.V. Rowe
Chief P.T. Bolen

15. BRIEFLY state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any cases or statutes! (USE ADDITIONAL SHEETS, IF NECESSARY)

MARCH 18, 2012, allegation was reported again said Children of Sexual Assault
x3 thereto a False Arrest was made without a proper warrant, that
was issue on MARCH 22, 2012, detained in the Muscogee County Jail by
Columbus Police Department officials (custody) Hereto the "warrant issued
are void, for Statute of Limitation of 48 Hours of Arrest Shall be
Released, Wherefore, I was arrested without a warrant, and are now
being held under "False Imprisonment" Arising out of the Arrest"
Moreover, theres no AFFidavit for the Arrest, warrant upon the see Enclosed

16. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under §1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

17. KEEP IN MIND THAT ONCE YOUR LAWSUIT IS FILED, THE COURT WILL REQUIRE YOU TO DILIGENTLY PROSECUTE IT. That means that you will be required to go forward with your case without delay. Thus, if you fail to adequately prepare your case before you file it, you may find your lawsuit dismissed for failure to prosecute if you take no action once it is filed. YOU WILL RECEIVE NO FURTHER INSTRUCTIONS FROM THE COURT TELLING YOU WHAT TO DO OR HOW TO DO IT! IT IS YOUR RESPONSIBILITY AND YOURS ALONE TO PROSECUTE YOUR OWN CASE! If you fail to prosecute your case, it will be dismissed under Rule 41 of the Federal Rules of Civil Procedure.

Signed this 22 day of January, 2024.

Melissa Carffo
 PLAINTIFF

"Defendant(s) Individually And
In Their official capacities"

- (1) Columbus Police Department Corporal, Sherry Ziegler, #18486
P.O. Box 1866, 510 Tenth street, Columbus, GA 31902-1866
- (2) Columbus Police Department, R.T. Boren, (Chief of Police)
P.O. Box 1866, 510 Tenth street, Columbus, GA, 31902-1866
- (3) Columbus Police Department Assistant chief (C.V. Rowe)
- (4) Columbus Police Department, Corporal, Valerie Holder, #26762
- (5) Wesley Lambertus Asst. District Attorney, Bar # 496733
Office of the District Attorney, P.O. Box 1340, Columbus, GA, 31902
- (6) Columbus Police Department Sergeant Craig Haggas (signed warrant)
P.O. Box 1866, 510 Tenth Street, Columbus, GA, 31902
- (7) Columbus Police Department, Officer, Maxwell Todd, (P.O. Box 1866)
510 Tenth Street, Columbus, GA, 31902 (Photographs) with -
- (8) Columbus Police Department, Sgt. Randy Aistay, P.O. Box,
1866, 510 Tenth Street, Columbus, GA, 31902)
- (9) Teresa Hudgens # 27096, Columbus Police Department, P.O. Box
1866, 510, Tenth Street, Columbus, GA, 31902)
- (10) Hon. Judge William C. Rumer, Superior Court Muscogee County
10th Floor, Muscogee County Government Center, 100 10th street, (GA, 31901)
- (11) Fred Lewis, Assistant District Attorney, Muscogee County
Government Center, 100 10th street, Columbus, GA, 31902
- (12) Public Defender, David Walker, GPDSC # 731659, App. State
Division, 201 Second Street, Suite 550, Macon, GA, 31201) 478-621-5984
- (13) Amy Braley, Forensic interviewer) 18 9th st. Suite, 102, Columbus,
GA, 31904)

(14) Circuit Public Defender Robert L. Watkins, 420 10th Street
Columbus, GA, 31901-2856 (Bar # (731659) 706-653-4301)

(15) Anthony Brown "Foreman, grand Jury
Columbus, Georgia, 31906

(16) Sgt. David Ellmer, Columbus Police Department, 510 10th Street,
Columbus, Georgia, 31901, (

(17) Cpl. Robin Rich, Columbus Police Department, 510 10th Street
Columbus, Georgia, 31901

(18) Sgt. Randall Aiston, Columbus Police Department, 510 10th Street
Columbus, Georgia, 31901

(19) Robin King "Public Defender office, 420 10th Street Columbus,
Georgia, 31901-2856 (Bar # 975671)

(20) Letitia Sikes (A.D.A) Assistant District Attorney
Chattahoochee Judicial Circuit, 100 10th Street,
Columbus, Georgia 31901 (Georgia Bar No: 416951)

(21) Mr. Brad Bickerstaff (A.D.A) Assistant District Attorney
P.O. Box 1340, Columbus, GA, 31902)

(22) Mr. Matthew Tow Landreca, Assistant District Attorney
100 10th St, 3rd Flr. Columbus, GA, 31901

McKissic Carff
V.S.P. P.O. Box 5368
Valdosta, GA, 31603

"Defendants," "Individually" and in their
Official capacities,"

- ①. Corporal Sherry Ziegler, #18486, Columbus Police Department
P.O. Box 7866, 510 Tenth Street Columbus, GA, 31902
- ②. R. T. Boren, Chief of Police
- ③. C.V. Rowe Assistant Chief, (4. Corporal Valerie Holder,
#26762.) (5. Sergeant Craig Haggas, (6. MAXWELL Todd,
C.P.D) (7. Sgt. Randy Alston, C.P.D) (8. Teresa Hudgens,
#27086 (C.P.D.) (9. District Attorney, Wesley Lambertus
Bar #496733, (10. Assistant District Attorney Brad Brickerstaff,
(11. Matthew Jon Landrea, (12. Letitia Sikes,
(13. Hon. Judge, William C. Rummel, (14. David Walker
G.P.D.S.C. (MACOM) # 731659) (15. Robert L. Wadkins, #731659)
(16. Amy Bratley (Forensic interviewer) (17. Anthony Brown,
Foreman for Grand Jury, (18. Robin King, Bar #975671
(19. Sgt. David Ellmer (C.P.D)

"Jurisdiction" And "Venue"

This is a civil action Authorized by 42 U.S.C. Section
1983 to "redress" the deprivation, "Under Color of STATE
Law, of rights secured by the Constitution of the United
States. The Court has Jurisdiction under 28 USC,
Section 1331 and 1333 (A.) (3). Plaintiff, McKissic,
Carthage, seeks "declaratory relief" pursuant to 28-

U.S.C. Section 2201, and 2202"

Plaintiff McKissic Carlton, claims for "injunctive relief"

are authorized by 28 U.S.C. Section 2283 and 2284

and Rule 65 of the Federal Rules of Civil Procedure.

Plaintiff, seeks, "Preliminary Injunction" under PLRA

(3. Plaintiff's McKissic Carlton claims for "Permanent
"injunction relief" (4. "Prospective Relief" (5. Federal

Torts Claims Act (FTCA) (6. Emotional Distress

claims)

"Material" merits of facts"

"Compensational" Damages (Tort) claims

(1. Mental Distress, (2. mental Disturbance claim;

(3. general Damages claim, (4. Expectation Damages

claims (5. Hedonic Damages claims, (6. liquidated

Damages claim, (7. Moratorium damages claims

(8. Direct Damages claims, (9. Treble Damages

claims, (10. Special Damages claims, (11. Presumed

Damages claim (12. Emotional Damages claims)

(13. Irreparable Damage of Emotional

Abandonment

"Issue of Law claims relief
for Damages")

(1. Slander Damage claim, (2. Defamation of

(3. Character Damage claims, (4. False imprisonment
claim of Damages.

- (5. False Arrest claim (6. "Intentional Infliction of Emotional Distress", 7. "False Imprisonment claims")
- (8. "Unlawful Detention of the Person of Another" ^{unlawful})
- (9. "Invalid Warrant") (10. UNLAWFUL IMPRISONMENT")
- (11. "UNLAWFUL SEIZURE OF PERSON") (12. Breach of Contract)
- (13. Breach of Duty; (14. Material Breach; (15. Breach of Warranty,

"United States Constitution Rights Violations, To "Procedural Due Process, Due Process of Law and "Substantive Due Process", To wit"

- (1. 14th Amendment Right to Due Process right to Fair procedures and Criminal Process.

- (2. 8th Amendment "Cruel and Unusual Punishment Psychological Harm, (3. "Unnecessary and Wanton Infliction of Emotional Pain and Suffering, (4.) "Deliberate Indifference" "GROSS NEGLIGENCE")

"Declaration of Human rights"
Claim for relief"

- (1 Article #1, #2, #3, Deprivation of Life and Liberty
- Article #4, #5, #7, #8 # Article #9, #10, #12
- Article #18, #23

"Preponderance of Evidence"
To Genuine issues of Facts of Law

"Arrest of Persons"

Article 3. Warrants For -

(3;

Arrest,"

- (1. Prose/Plaintiff McKissic Carlton, claims that upon The face of the records are a "Nullity" and void "Contract" Warrant Application hearing that Identifies such Criminal Procedure and Criminal process occurred' LO.C.94 17-4-40 (4)
- (2. Plaintiff contends that NO warrant application hearing has produced The lack of Jurisdiction to consider "probable cause", A "Nullity and void" violations of Controlling Law; O.C.94 17-4-40 (5.)
- (3. NO Form of Affidavit issue to comport with Affirmative actions "Duty OF person arresting without warrant investigation report.
- (4. Plaintiff, McKissic Carlton, contends that the alleged Incident occurred approximately March 19, 2012, And He was in custody of Columbus Police Department on March 22, 2012 or March month at 9: AM a little afterward, that Exceeded the Statute of Limitations see 17-4-40. "No such imprisonment shall be legal beyond A reasonable time allowed for this purpose; To wit) And ANY person who is not brought before such Judicial Officer within (48 Hours) of arrest shall be released
- (5. NO Commitment hearing on the face of the record Are therefore A "Nullity and void" contract proceeding)

AND Application for Search Warrant conducted in Court
 to conform to the evidence seized 8 days later NOR
 was there affidavit of affidavits supporting A
 what court for the items or item left
 see Article 2. Searches with Intent of Criminally
 procedurally see also under "United States Constitution"
 "Probable Cause" Contract "Held" on "That -
 Obligations under them, as held "Affidavit carriers"
 Administrative Duties of Government Employees
 And Employees functions of officials designated
 Individual performance must be executed upon
 delivery;

of Article 2 of Court for Search Warrant
 on record in open Court "A Search Warrant
 Application " And "Search Warrant Affidavit"
 of items seized during the hearing for the
 purpose;

Plaintiff's hands upon the date of the record
 of transcripts are absent of a "Search Warrant
 application and Search Warrant Affidavit"
 the person who was to serve the warrant
 Appointed & Special Master to Accompany
 and a Notary to void "Affidavit"
 See also Hall v. Jackson, 310, 93, 74 (2021) which

D.C.G.A. 17-4-71

See "case of First impression", test case, and "Case in Chief" for material Evidence

Supporting case" Cordless Degate perriu v.

THE City of Elberton, case 3:03-cv-00106 (CDL)

O.C.G.A. 51-7-20, (Scott Housing Systems, Inc,

v. Hickok, 174 Ga. App. 23, 26, 329 S.E.2d, 154

157, O.C.G.A. 17-4-20, Amsoyak Kroger Co

204, 94 App. 695, 696, 697, 420, S.E.2d, 314, 315, 316.)

invalid warrant violation, see Ga. Const Art I, XI

(A6), (Scott Housing System, Inc, Etc

28-4 (d) O.C.G.A. 51-7-1)

CONCLUSION OF AFFIRMATIVE LAW

"Binding" Constitutional Government Authority

(Reed v. Dekalb County, 264 Ga. App. 83, 89, 589, S.E.2d 584

587 (2003), O.C.G.A. (51-7-1,) "Desmond, 249 Ga,

App. At 74, 532 S.E.2d At 467 (2000)

Also, Washington v. Dept. of Human Resources, 241 Ga.

App. 319, 321, 526 S.E.2d 354, 356 (1999), (O.C.G.A.

51-7-1) Kirbybas v. 232 Ga. App. At 480, 502,

S.E.2d At 320, 321) And Asto (Smith v. Gwinnett

County, 264 Ga. App. 560, 569, 591, S.E.2d 388, 391

(2003)

"United States Constitutional
Violation"

1st 5th, 14th Due Process of Law")

Equal Protection, "Color of STATE LAW"

(4.

"Negligent or Negligence") under the FTCA) and
Intentional torts, False Arrest, Abuse of process
and infliction of Emotional distress")

"Request For Production of
Documents"

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff requests that Defendants produce for inspection and copying the following documents:

- (1) All written statements (2 original or copies) including as reports about the incident.
- (2) Warrants, warrant application hearing, minutes and recorded testimonies
- (3) Affidavits of warrants, (S. dates, Policies Arresting Officer who collects or receives any costs or other charges of a prosecutor or defendant in a case made on a States warrant), person or persons applied for the warrant, and any related documents by any reasonable means which identifies the Judge, including, but not limited to, his or her type written name, signature affixed by electronic stylus, or any other reasonable-

(7)

"Preponderance of the Evidence," to the
"Conclusion of Law," or merits"

"The Warrant Requirements" 4th Amendment
Violations

"The point of the Fourth Amendment... not
that it denies law enforcement the support of the
usual inferences which reasonable men draw from
evidence.

(1. Searches incident to valid arrests, (2. Seizures of
items in plain view, Therefore, when a magistrate
issues a warrant based on a deliberately or, recklessly
False Affidavit (3. When a magistrate fails to act
in a neutral and detached manner, (4. When a warrant
is based on an affidavit) "So lacking in Indicia of
Probable Cause as to render official belief in its
existence entirely unreasonable."

(5. When a warrant is so facially deficient that no
reasonable officer could believe it to be valid. . and

(6. When police recklessly maintain or knowingly enter
false information into a warrant database to future
arrests. Therefore, its an illegal arrest, illegal search and
seizure, warrantless search, no consent to seizure and
Search warrantless seizures of property items,
particular items,

(1.